

HOUSE BILL 1263

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CF SB 899

By: **The Speaker (By Request – Administration) and Delegates Busch, Hixson, Kaiser, and Rosenberg**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2010

CHAPTER _____

1 AN ACT concerning

2 **Education Reform Act of 2010**

3 FOR the purpose of altering the probationary period of employment of a certificated
4 employee in a ~~public~~ local school system; altering certain procedures related to
5 the probationary period of a certificated employee; requiring a county board of
6 education to evaluate annually a nontenured certificated employee based on
7 established performance evaluation criteria; requiring certain certificated
8 employees to be assigned a mentor and provided certain guidance and
9 instruction and additional professional development under certain
10 circumstances; ~~requiring that a performance evaluation of a certificated teacher~~
11 ~~or principal in a public school system include certain data as a certain~~
12 ~~component of the evaluation; requiring that a certain component of an~~
13 ~~evaluation be one of multiple measures; requiring the State Board of Education~~
14 ~~to adopt regulations to implement certain provisions of this Act; requiring~~
15 ~~certain classroom teachers and principals working in certain public schools to~~
16 ~~receive a certain stipend~~ requiring the State Board of Education to adopt
17 regulations establishing standards for effective mentoring; providing that a
18 tenured certificated employee who moves to another local school system in the
19 State shall be tenured in the local school system to which the employee
20 relocates under certain circumstances; authorizing the local school system to
21 which an employee relocates to extend the employee's probationary period
22 under certain circumstances; requiring a county board to establish certain
23 performance evaluation criteria for a certificated teacher or principal under
24 certain conditions; requiring the performance evaluation criteria to include

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain measures; requiring the State Board to establish by regulation general
 2 standards for teacher and principal performance evaluations, that the
 3 performance evaluation criteria include certain measures, and that certain
 4 criteria be accounted for in a certain manner; requiring the State Board to
 5 establish a certain program to support certain incentives, contingent on the
 6 receipt of certain federal funds; defining ~~a certain term~~ certain terms; providing
 7 for the application of a certain provision of this Act; and generally relating to
 8 the employment of certificated employees in a ~~public~~ local school system.

9 BY repealing and reenacting, with amendments,
 10 Article – Education
 11 Section 6–202
 12 Annotated Code of Maryland
 13 (2008 Replacement Volume and 2009 Supplement)

14 BY adding to
 15 Article – Education
 16 Section 6–306(b)(5)
 17 Annotated Code of Maryland
 18 (2008 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Education**

22 6–202.

23 (a) (1) On the recommendation of the county superintendent, a county
 24 board may suspend or dismiss a teacher, principal, supervisor, assistant
 25 superintendent, or other professional assistant for:

26 (i) Immorality;

27 (ii) Misconduct in office, including knowingly failing to report
 28 suspected child abuse in violation of § 5–704 of the Family Law Article;

29 (iii) Insubordination;

30 (iv) Incompetency; or

31 (v) Willful neglect of duty.

32 (2) Before removing an individual, the county board shall send the
 33 individual a copy of the charges against him and give him an opportunity within 10
 34 days to request a hearing.

1 (3) If the individual requests a hearing within the 10–day period:

2 (i) The county board promptly shall hold a hearing, but a
3 hearing may not be set within 10 days after the county board sends the individual a
4 notice of the hearing; and

5 (ii) The individual shall have an opportunity to be heard before
6 the county board, in person or by counsel, and to bring witnesses to the hearing.

7 (4) The individual may appeal from the decision of the county board to
8 the State Board.

9 (5) Notwithstanding any provision of local law, in Baltimore City the
10 suspension and removal of assistant superintendents and higher levels shall be as
11 provided by the personnel system established by the Baltimore City Board of School
12 Commissioners under § 4–311 of this article.

13 (b) (1) ~~Except as provided in~~ **SUBJECT TO** paragraph (2) of this
14 subsection, the probationary period of employment of a certificated employee in a
15 ~~public~~ **LOCAL** school system shall cover a period of [2 years] **3 YEARS** from the date of
16 employment and shall consist of a 1–year employment contract that may be renewed
17 by the county board.

18 [(2) (i) A probationary period for a certificated employee in a public
19 school system may be extended for a third year from the date of employment if the
20 certificated employee does not qualify for tenure at the end of the second year based on
21 established performance evaluation criteria and the employee demonstrates a strong
22 potential for improvement.

23 (ii) If the probationary period of a certificated employee is
24 extended as provided in this paragraph, a mentor shall be assigned to the employee
25 and the employee shall be evaluated at the end of the third year based on established
26 performance evaluation criteria.]

27 **(2) (I) A COUNTY BOARD SHALL EVALUATE ANNUALLY A**
28 **NONTENURED CERTIFICATED EMPLOYEE BASED ON ESTABLISHED**
29 **PERFORMANCE EVALUATION CRITERIA.**

30 **(II) IF THE NONTENURED CERTIFICATED EMPLOYEE IS NOT**
31 **ON TRACK TO QUALIFY FOR TENURE AT ~~THE END OF THE FIRST OR SECOND~~**
32 **~~YEAR, A ANY FORMAL EVALUATION POINT:~~**

33 **1. A MENTOR SHALL BE ASSIGNED TO THE**
34 **EMPLOYEE TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND**
35 **INSTRUCTION; AND ~~AND ADDITIONAL~~**

1 **2. ADDITIONAL PROFESSIONAL DEVELOPMENT**
 2 **SHALL BE PROVIDED TO THE EMPLOYEE, AS APPROPRIATE.**

3 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
 4 **IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN ANY LOCAL SCHOOL**
 5 **SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE**
 6 **STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS**
 7 **RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL**
 8 **SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:**

9 **1. THE EMPLOYEE'S FINAL EVALUATION IN THE**
 10 **LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS**
 11 **SATISFACTORY OR BETTER; AND**

12 **2. THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S**
 13 **SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.**

14 **(II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE**
 15 **PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO**
 16 **SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE**
 17 **OF EMPLOYMENT IF:**

18 **1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE**
 19 **AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE**
 20 **EVALUATION CRITERIA; AND**

21 **2. THE EMPLOYEE DEMONSTRATES A STRONG**
 22 **POTENTIAL FOR IMPROVEMENT.**

23 ~~(3)~~ **(4) (I)** The State Board shall adopt regulations that
 24 implement the provisions of paragraphs (1) and (2) of this subsection and define the
 25 scope of a mentoring program **AND PROFESSIONAL DEVELOPMENT** that will be
 26 aligned with the [2-year] **3-YEAR** probationary period [and the 1-year extension as
 27 provided in paragraph (2) of this subsection].

28 **(II) THE STATE BOARD SHALL ADOPT REGULATIONS TO**
 29 **ESTABLISH STANDARDS FOR EFFECTIVE MENTORING, INCLUDING PROVISIONS**
 30 **TO ENSURE THAT MENTORS PROVIDE MENTORING THAT IS FOCUSED, OF HIGH**
 31 **QUALITY, AND GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED.**

32 ~~(C) (1) A PERFORMANCE EVALUATION OF A CERTIFICATED TEACHER~~
 33 ~~OR PRINCIPAL IN A PUBLIC SCHOOL SYSTEM SHALL INCLUDE DATA ON STUDENT~~
 34 ~~GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND ONE OF~~
 35 ~~MULTIPLE MEASURES.~~

1 ~~(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT~~
2 ~~IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.~~

3 (C) (1) IN THIS SUBSECTION, "STUDENT GROWTH" MEANS STUDENT
4 PROGRESS MEASURED BY MULTIPLE CRITERIA AND FROM A CLEARLY
5 ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.

6 (2) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION,
7 A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA
8 FOR CERTIFICATED TEACHERS AND PRINCIPALS IN A LOCAL SCHOOL SYSTEM
9 AFTER MEETING AND CONFERRING WITH THE EXCLUSIVE EMPLOYEE
10 REPRESENTATIVE.

11 (3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT
12 ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR
13 CERTIFICATED TEACHERS AND PRINCIPALS.

14 (4) (I) PERFORMANCE EVALUATION CRITERIA FOR A
15 CERTIFICATED TEACHER OR PRINCIPAL IN A LOCAL SCHOOL SYSTEM SHALL
16 INCLUDE MULTIPLE MEASURES.

17 (II) STUDENT GROWTH SHALL ACCOUNT FOR 50% OF THE
18 PERFORMANCE EVALUATION CRITERIA.

19 (III) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE
20 THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.

21 6-306.

22 (b) (5) (I) IN THIS PARAGRAPH, "RACE TO THE TOP
23 ~~APPLICATION~~ GRANT" MEANS THE STATE'S APPLICATION TO THE UNITED
24 STATES DEPARTMENT OF EDUCATION FOR THE RACE TO THE TOP FUND,
25 AUTHORIZED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
26 2009.

27 ~~(II) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR~~
28 ~~PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE'S RACE~~
29 ~~TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF~~
30 ~~TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING~~
31 ~~SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY~~
32 ~~THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT~~
33 ~~FUNDS.~~

34 (II) CONTINGENT ON THE RECEIPT OF RACE TO THE TOP
35 GRANT FUNDS, THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT

1 LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM
2 TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS IN IMPROVEMENT,
3 CORRECTIVE ACTION, OR RESTRUCTURING.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the probationary period
5 of employment specified in § 6-202(b) of the Education Article, as enacted by Section 1
6 of this Act, shall be applicable to a certificated employee in a ~~public~~ local school system
7 with a date of employment starting on or after July 1, 2010.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.